

Court of Appeals, Division One
Civil Appeal

1 CA-CV 16-0073

FELLERS et al. v. BAILEY et al.

Appellate Case Information

Case Filed: 11-Feb-2016
Case Closed:

Dept/Composition

Side 1. In the Matter of:

OAKLAND LIVING TRUST.

CATHERINE S. FELLERS and GARY D. BAILEY, Beneficiaries of the Oakland Living Trust, Petitioner/Appellant

(Litigant Group) CATHERINE S FELLERS et al.

• Catherine S Fellers

Attorneys for: Petitioners/Appellants

Margaret Schweitzer, Esq. (AZ Bar No. 29514)

• Gary D Bailey

Side 2. JAMES E. BAILEY, Successor Trustee of the Oakland Living Trust,

VICTORIA NORRIS, Beneficiary of the Oakland Living Trust, Respondent/Appellee

(Litigant Group) JAMES E BAILEY

• James E Bailey

Attorneys for: Respondent/Appellee

Andre H Merrett, Esq. (AZ Bar No. 20889)

(Litigant Group) VICTORIA NORRIS

• Victoria Norris

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CASE STATUS

Sep 20, 2016....At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR PB2014-000972	Petition for Removal of Trustee and Other Relief		Edward W Bassett, Authoring Judge of Order		

42 PROCEEDING ENTRIES

1.	11-Feb-2016	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/13/16			
2.	11-Feb-2016	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time			
3.	17-Feb-2016	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due			
4.	2-Mar-2016	RECEIPT No.: 2016-00286 ; \$280.00, Check Number: #1516, Applied to: CATHERINE S FELLERS et al. - Class A Filing Fee (\$280.00) Paid for: - By Margaret Frank Schweitzer Law PLLC			
5.	7-Mar-2016	FILED: Appellee's Notice re: Both Appellees' Fees Due/Appellant's Brief Due			
6.	8-Mar-2016	FILED: Civil Appeals Docketing Statement (Appellant)			
7.	21-Mar-2016	FILED: Notice of Payment of Filing Fee by Appellee James E Bailey, Successor Trustee of the Oakland Living Trust; Certificate of Service			
8.	21-Mar-2016	RECEIPT No.: 2016-00354 ; \$140.00, Check Number: #10736, Applied to: VICTORIA NORRIS - Class B Filing Fee (\$140.00) Paid for: - By VICTORIA NORRIS			
9.	23-Mar-2016	RECEIPT No.: 2016-00358 ; \$140.00, Authorization: #82013200088, Applied to: JAMES E BAILEY - Class B Filing Fee (\$140.00) Paid for: Sacks Tierney PA - By Integrated Resource Systems IN			
10.	6-Apr-2016	ORDERED: case management statement shall be filed on/before 4/18/16. Appellants are reminded that opening brief is also due on 4/18/16. Barbara Vidal Vaught ProTem Judge - Author			
11.	15-Apr-2016	FILED: Motion for a Procedural Order to Extend Opening Brief Deadline Pursuant to ARCAP 6(B)(1)(A); Certificate of Service (Appellant)			
12.	18-Apr-2016	FILED: Case Management Statement (Appellant)			

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13.	19-Apr-2016	ORDERED: Motion for a Procedural Order to Extend Opening Brief Deadline Pursuant to ARCAP 6(B)(1)(A) (Appellant) = DENIED. FURTHER ORDERED: Vacating 4/18/16 due date for opening brief. FURTHER ORDERED: On/before 5/4/16, parties shall each file a memorandum, supported by appropriate points and authorities, of no more than ten pages addressing whether court has jurisdiction over this appeal. Melina Brill ProTem Judge - Author
14.	27-Apr-2016	FILED: Notice of Association of Appellate Counsel; Certificate of Service (Petitioner/Appellant)
15.	3-May-2016	FILED: Appellants Memorandum of Points & Authorities Re Jurisdiction; Certificate of Service; EXHIBIT A; EXHIBIT B (Appellant)
16.	4-May-2016	FILED: Respondent/Appellee's Memorandum Re Jurisdiction; Certificate of Service (Appellee)
17.	10-May-2016	FILED: Reporter's Transcript - 07/29/2015 - Trial Day 1 (AVTranz) (Appellant)
18.	10-May-2016	FILED: Reporter's Transcript - 07/30/2015 - Trial Day 2 (AVTranz) (Appellant)
19.	10-May-2016	FILED: Reporter's Transcript - 07/31/2015 - Trial Day 3 (AVTranz) (Appellant)
20.	10-May-2016	FILED: Reporter's Transcript - 10/21/2015 - Evidentiary Hearing (AVTranz) (Appellant)
21.	12-May-2016	ORDERED: opening brief shall be due on/before 6/15/16. Hon Lawrence F Winthrop - Author
22.	13-Jun-2016	FILED: Notice of Filing and Serving Transcript; Certificate of Service (Appellants)
23.	15-Jun-2016	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellants)
24.	15-Jun-2016	FILED: Amended Certificate of Service (Appellant)
25.	28-Jul-2016	FILED: Unopposed Motion for Extension of time to File Answering Brief; Certificate of Service (Respondent)
26.	28-Jul-2016	FILED: Certificate of Service (Respondent)
27.	1-Aug-2016	ORDERED: Unopposed Motion for Extension of time to File Answering Brief (Respondent) = GRANTED. Due date EXTENDED from Monday, 08-01-2016 to Wednesday, 08-31-2016. Melina Brill ProTem Judge - Author
28.	31-Aug-2016	FILED: Answering Brief of Respondent/Appellee James E Bailey, Successor Trustee; Certificate of Compliance; Certificate of Service; Appendix to Appellee's Answering Brief (Appellee Bailey)
29.	1-Sep-2016	FILED: Motion for Leave to Withdraw as Associated Counsel on Behalf of the Appellants with Client Consent; Certificate of Service; Exhibit A to Motion for Leave to Withdraw; Proposed Order Granting Motion to Withdraw as Associated Atty of Record with Client Consent (Appellant)
30.	1-Sep-2016	FILED: Notice of Withdrawal as Associated Counsel with Client Consent; Certificate of Service (Appellant)
31.	1-Sep-2016	FILED: Request for Oral Argument; Certificate of Service (Appellee Bailey)
32.	2-Sep-2016	ORDERED: Motion for Leave to Withdraw as Associated Counsel on Behalf of the Appellants with Client Consent = GRANTED. Attorney Margaret Frank Schweitzer remains counsel of record for appellants. Barbara Vidal Vaught ProTem Judge - Author
33.	6-Sep-2016	RECEIPT No.: 2016-01103 ; \$140.00, Authorization: Ref1#50007754201, Applied to: JAMES E BAILEY - Overpayment Class B (\$140.00) Paid for: Sacks Tierney PA - By Integrated Resource Systems IN (Memo: Overpayment;see recpt 2016-0358; refund needed)
34.	16-Sep-2016	FILED: Letter, 09/16/2016, from Court to Sacks Tierney PA, refunding \$140.00 due to duplicate payment
35.	20-Sep-2016	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellants)
36.	20-Sep-2016	FILED: Appendix to Appellants' Reply Brief (Appellants)
37.	20-Sep-2016	FILED: Untitled (Appendix to Appellants' Reply Brief continued) (Appellants)
38.	20-Sep-2016	FILED: Untitled (Appendix to Appellants' Reply Brief continued) (Appellants)
39.	4-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
40.	13-Oct-2016	ORDERED: Request for Oral Argument (Appellee) = GRANTED. Oral argument will be scheduled in normal course of court's civil appeals calendar, and court will notify counsel of date. Hon Michael J Brown - Author
41.	14-Oct-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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42. 14-Oct-2016 FILED: Additional Record on Appeal:
Exhibits: HD 7/29/15 - LIST # 1 2 3 4 10 11 12 13 14 15 16 17 20 21 22 23 25 27 29 33 34 35 37 45 46 49 56 58 60 62 64 65 66
68 69 70 73 76 79 88 91 92 93 94 112 114 115 119 in a Manila Envelope